

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : COOKE, John Spencer *et al.*

Patent No. : 7,531,651 B2

Issue Date : May 12, 2009

Serial No. : 10/509,521

Filed : June 10, 2005

Title : BENZENESULPHONATE SALT OF A MORPHOLINE
UREA DERIVATIVE FOR USE AS A CCR-3 ANTAGONIST IN
THE TREATMENT OF INFLAMMATORY CONDITIONS

Group / A.U. : 1626

Examiner : SHTERENGARTS, Samantha L.

Confirmation No. : 7811

Docket No. : PG4793USw

MAIL STOP PATENT EXT.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT UNDER §1.705(d)**

Sir:

Applicants respectfully submit that this Request for Reconsideration of Patent Term Adjustment under §1.705(d) is timely filed within the two months of the Issue Date of US Patent No. 7,531,651 (noting that July 12, 2009 was a Sunday).

Applicants respectfully submit that the 600 days of Patent Term Adjustment (PTA) as indicated on US 7,531,651 is incorrect and that the correct PTA should be 936 days.

Period of Adjustment Due to Patent Term Guarantees under 35 U.S.C. §154(b)(1)

Adjustment under 35 U.S.C. §154(b)(1)(A)(i): *Number of days beginning the day after the date that is fourteen months after the filing date and ending on the mailing date of an Office Action under 35 U.S.C. §132(a):*

10 June 2005 + 14 months = 10 Aug 2006

11 August 2006 → 1 April 2008 = + 600 days

Adjustment under 35 U.S.C. §154(b)(1)(B)(i): *Number of days beginning the day after the date that is thirty-six months after the filing date and ending on the Issuance of the Patent:*

10 June 2005 + 36 months = 10 June 2008

11 June 2008 → 12 May 2009 = + 336 days

Total Adjustment Due to Patent Term Guarantees: 600 days + 336 days = 936 days

Period of Limitations to Patent Term Adjustment under 35 U.S.C. §154(b)(2)

Overlap under 35 U.S.C. §154(b)(2)(A): *Number of days beginning the day after the date that is thirty-six months after the filing date and ending on the mailing date of an Office Action under 35 U.S.C. §132(b) (See Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008)):*

10 June 2005 + 36 months = 10 June 2008

is after 10 August 2006 => Overlap = 0 days

Reductions Due to Applicant Delay under 35 U.S.C. §154(b)(2)(C)(i):

Number of days beginning the day after the date that is three months after the mailing date of an Office Action and ending on the date the reply was filed (37 C.F.R. §1.704(b)):

OA: 1 April 2008 → Response time allowed: 1 July 2008

Actual response time: 1 July 2008 = - 0 days

OA: 4 September 2008 → Response time allowed: 4 December 2008

Actual response time: 6 October 2008 = - 0 days

Total Reductions to Adjustment Due to Limitations: - 0 days

Total Adjustment (Patent Term Guarantees - Limitations): 936 days - 0 days = 936 days

Accordingly, Applicants hereby request that the U.S. Patent Office correct the calculation of the Patent Term Adjustment for the present Application to 936 days.

The present application ☐ is ; ☒ is not subject to any Terminal Disclaimer and any expiration date specified in a Terminal Disclaimer (§1.705(b)(2)(iii)).

☐ The following circumstances arose during prosecution of the above-identified application that constitute a failure to engage in reasonable efforts to conclude processing of examination of the application (§1.705(iv)(A)):

OR

☒ There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the above-identified application (§1.705(iv)(B)).

PAYMENT OF FEES (check one box)

☐ A check in the amount of \$_____ is enclosed for the consideration of this Request as required by 37 CFR §1.18(e).

☒ The Commissioner is hereby authorized to charge the required fees (\$200.00) or credit any overpayment to Deposit Account No. 07-1392.

Respectfully submitted,

/James P. Riek /

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Date July 13, 2008
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